

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRICORE, INC.,

Plaintiff,

v.

SAFECO INSURANCE COMPANY OF
AMERICA, and R.P. IANNUCCILLO &
SONS CONSTRUCTION CO.,

Defendants.

CIVIL ACTION NO. 04-12393-JGD

**ASSENTED-TO MOTION TO EXTEND DEADLINE TO FILE OPPOSITION TO
SAFECO INSURANCE COMPANY OF AMERICA'S MOTION TO ENFORCE
SETTLEMENT AGREEMENT**

Plaintiff Tricore, Inc. ("Tricore") hereby moves this Court for a one (1) week extension to the deadline within which Tricore must file any opposition to Safeco Insurance Company of America's Motion to Enforce Settlement Agreement (the "Motion"). Tricore is currently required to file an opposition to the Motion, which was served on Tricore on January 4, 2006, on or before Wednesday, January 18, 2006.

As grounds for this Motion, Tricore states as follows:

1. The parties are involved in ongoing negotiations with respect to settling all claims affected by the Motion.
2. A one (1) week extension will not prejudice any party to this action in any manner whatsoever.
3. Allowance of this motion is in the interests of judicial administration. Granting this motion will allow the parties to focus on settling outstanding issues and, if those efforts fail,

will provide the parties with a reasonable amount of time to file any opposition to the Motion.

The parties should be encouraged to pursue efforts to resolve the outstanding issues.

4. Safeco Insurance Company of America, in its capacity as RPI's performance bond surety (referred to in the Memorandum of Law in support of the Motion as "Safeco(RPI)"), which filed the Motion to which this motion relates, assents to the filing of this motion.

5. This motion is not submitted for the purpose of delay.

WHEREFORE, for the reasons outlined above, Tricore respectfully requests that this Court grant a one (1) week extension to the deadline for Tricore to file any opposition to the Motion. Accordingly, Tricore shall file any opposition to the Motion on or before Thursday, January 26, 2006.

The Plaintiff,
Tricore, Inc.

/s/ Edward D. Kutchin
Edward D. Kutchin, Esq.
BBO No. 281920
Kerry R. Northup, Esq.
BBO No. 633016
Kutchin & Rufo, P.C.
155 Federal Street
Boston, MA 02110-1727
(617) 542-3000

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), I hereby certify that the undersigned counsel conferred in good faith on January 17, 2006, with Safeco(RPI)'s counsel in this action, in an attempt to resolve or narrow the issues addressed by this Motion.

/s/ Edward D. Kutchin
Edward D. Kutchin, Esq.

CERTIFICATE OF SERVICE

I hereby certify that I have served the within document, by mailing a copy thereof, postage prepaid, to:

Dennis R. Cavanaugh, Esq.
Brown, Raysman, Millsterin, Felder
& Steiner
Cityplace II, 10th Floor
185 Asylum Street
Hartford, CT 06103

Bradford R. Carver, Esq.
Jonathan Burwood, Esq.
Hinshaw & Culbertsoon LLP
One International Place, 3rd Floor
Boston, MA 02110

David M. Campbell, Esq.
Visconti & Boren, Ltd.
55 Dorrance Street
Providence, RI 02903

Dated: January 17, 2006

/s/ Edward D. Kutchin
Edward D. Kutchin

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